

MINUTES SUMMARY
OF THE
COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE MEETING

HELD APRIL 24-25, 1996

A meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) was held on Wednesday April 24th and Thursday April 25th 1996 at the Stouffers Madison Renaissance Hotel, 515 Madison St, Seattle, Washington. The meeting was announced in the Federal Register on Tuesday, March 5, 1996.

Representing the Coast Guard were RADM James C. Card, Chief of the Marine Safety and Environmental Protection Directorate, and CDR Adan Guerrero, Executive Director of CFIVAC. The following Committee Members were present:

Julie Aydelotte (new member)	Richard Hiscock
Pete Aparicio	Leslie Hughes
Peggy Barry	Jimmie Martin
Linda Bonet	Dennis Potter
Joe Easley (Chairman)	Kathy Ruhle
Jane Eisemann (new member)	Larry Simns
Richard Gurnoe	Greg Switlik
James Herbert	

The following Committee Members were absent:

Kathleen Castro	Judith Ramos
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Introductory remarks were given by Chairman Easley, Vice Chairwoman Barry, RADM Card and Executive Director CDR Guerrero.

RADM Card discussed the following topics: Coast Guard wide streamlining; the G-M Reorganization; the Coast Guard goals found in the G-M Business Plan regarding Commercial Fishing Industry Vessels; Coast Guard Licensing Plan for commercial fishing industry vessel Operators, and the Prevention Through People (PTP) Initiative.

Prevention Through People: RADM Card and CDR Adan Guerrero presented an overview and analysis on the Prevention Through People (PTP) subject. Analysis of marine casualties over the past thirty years indicates that approximately 80% of all high consequence marine casualties may be directly or indirectly attributable to "Human Error." Historically, the international maritime community, the Coast Guard included, has approached maritime safety from a predominately technical perspective.

The PTP vision statement is "To achieve the world's safest, most cost-effective and environmentally sound maritime transportation system, by emphasizing the role of people in preventing casualties and pollution". The Coast Guard has outlined 5 guiding principles to ensure that we gain the best input and the most benefit from the PTP program. The principles are:

1. - ***HONOR THE MARINER: SEEK AND RESPECT THE OPINION OF THOSE WHO "DO THE WORK, AFLOAT AND ASHORE"***;
2. - ***TAKE A QUALITY APPROACH: ENGAGE ALL ELEMENTS OF THE MARINE TRANSPORTATION SYSTEM TO DRIVE CONTINUOUS IMPROVEMENTS.***
3. - ***SEEK NON-REGULATORY SOLUTIONS: EMPHASIZE INCENTIVES AND INNOVATION.***
4. - ***SHARE COMMITMENT: RECOGNIZE AND ACT UPON THE RESPONSIBILITY OF GOVERNMENT, MANAGEMENT AND WORKERS TO FOSTER A SAFE AND ENVIRONMENTALLY SOUND MARINE TRANSPORTATION SYSTEM.***
5. - ***MANAGE RISK: APPLY COST-EFFECTIVE SOLUTIONS TO MARINE SAFETY AND ENVIRONMENTAL ISSUES, CONSISTENT WITH OUR SHARED PUBLIC STEWARDSHIP***

RESPONSIBILITIES.

PTP looks at the human element in managing safety performance as a system consisting of four core components that affect people's performance. These components may be viewed as pillars built on the solid foundation of rules, regulations and standards. The pillars are management, work environment, behavior and technology. The future of PTP is a long term approach requiring long-term thinking and planning. The key to success is cooperation between government and industry. The behavior of people in the workplace cannot be reduced to "Do's and Don'ts". All must engage their talents and experience of the industry to help instill a culture of safety throughout the marine transportation system; a culture that influences the way we think and how we perform. Committee discussion showed an acceptance of this concept, however they did request a better editor for the Quality Action Team Report that was published on July 15, 1995. They felt there were too many repetitious points made in this document.

The committee discussed the issues included on the agenda (enclosure (1)). Issues of significance to the commercial fishing industry were discussed:

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). LT Stowe gave a presentation on STCW-F and its potential impact on the commercial fishing industry. STCW-F, Regulation II/1, requires operators of fishing vessels over 24 meters (79 feet) in length operating in unlimited waters to hold an appropriate certificate/ license. By using the administrative flexibility provision of Regulation I/2 of STCW-F for fishing vessels up to 45 meters (147 feet) in length operating in limited waters, only 19 U.S. flag fishing vessels would be affected by the STCW-F licensing requirement. Also, STCW-F would require all fishing vessel personnel to receive basic safety training. RADM Card commented to the CFIVAC that no member of Congress was currently pushing for action on the Coast Guard's licensing plan and expects a similar reaction toward ratification of the STCW-F Convention. Additionally, LT Stowe briefed the Committee on the 1978 STCW Convention. This STCW Convention becomes effective for the U.S. on October 1, 1996. After that date, U.S. mariners serving aboard vessels that operate beyond the boundary line (as defined in 46 CFR 7) must hold appropriate STCW endorsements. Since fish tenders and fish processing vessels do not meet the definition of fishing vessel in STCW, they fall under this requirement. After a discussion of this subject, the Committee felt that all vessels engaged in the fishing operation, (including fish tenders and processors), should fall under the STCW-F convention.

Major Conversion Issues for Commercial Fishing Industry Vessels. The Seattle contingent of Leslie Hughes, Dave Green, naval architect with Jensen Maritime, and Ken Tippet of the Alaska Boat Company addressed this situation. With depressed fishing seasons, many vessels are making changes to enter several different fisheries that bring this conversion issue to light. It was stressed that a true major modification should require classification and loadline. However, some modifications are minor in nature, such as when you replace one type of a processing machine with another machine that does not effect the dimensions of the vessel, watertight integrity, or stability factors, such as a salt cod operation. There was discussion regarding major conversion determinations, and that if the applicant is not pleased with the determination, an appeal is in order. RADM Card stated that this matter could still be taken another step further for his action as an appeal, and will entertain a reconsideration.

Audience Comments. The following persons provided comments on April 24th:

Al Dujenski, Acordia Pettit Morry, Seattle, WA: Passed out a paper on proposed regulations for commercial fishing industry vessels without the encumbrances Congress placed in the law. Also touched on the following points: More open communications to the fishing community on CFIVAC action; lack of fisherman trust due to equipment failures (i.e. raft defects, EPIRB battery problems); poor quality of USCG Investigations on vessel or personnel casualties that become official fodder for lawyers; earning the Voluntary Dockside Exam Decal should not require compliance with every applicable U.S. regulation; and Coast Guard District Fishing Vessel Coordinators are not doing their job meeting and communicating with the commercial fishing industry.

Jon Kaino, Jr, Rescue Ring INC, Ilwaco, WA: Made the point that the commercial fishing regulations were placed in effect in 1991 except for the provision of vessels operating within 12 miles with 3 or less persons onboard. Requested prompt Coast Guard action to promulgate these regulations. Also showed his company's 2 and 4 person Rescue Ring that is an approved buoyant apparatus.

Joe Tuttle, Emerald Marine Products, Seattle WA: Showed the committee his company's product, the Alert Man Overboard Alarm System.

CAPT Jim Ruhle, F/V DARANA R, Wanchese, NC: Made the point that the Voluntary Dockside Exam Decal does not always expedite the USCG boarding process due to very inconsistent boarding parties. Licenses should not be considered a panacea to reduce casualties; some people are good at taking tests but not competent to operate a vessel. Also, the training requirements for operators will not make up for poor fisheries management.

James Wood, SAMS Marine Surveyor, Morro Bay, CA: Commented on the stagnation of Voluntary Dockside Exam Decals being issued and thinks more interaction with 3rd parties could increase numbers. He commented that on an inspected vessel that rolled over and capsized, he found training and drills to be a good thing. He stressed that maintaining communications with spare batteries and independent lights after losing ship's power was critical to the crew's survival.

Mike Jackson, Stormy Seas Inflatables, Seattle, WA: Discussed the man overboard problem as a survivor and company president to stress that flotation wear-ability is critical. He addressed fisheries management and weather factors with the following question: "Why can baseball games be postponed due to weather but not fish openings?"

The CFIVAC broke for lunch to return to work in the two working groups the rest of the day.

The CFIVAC reconvened at 0830 on Thursday 25 April 1996

Each of the Subcommittee Chairpersons reported on their respective progress to the rest of the CFIVAC.

Subcommittee Working Session on Updating Voluntary Standards of Uninspected Commercial Fishing Vessels found in Navigational and Vessel Inspection Circular (NVIC 5-86): The subcommittee, (under the Chairmanship of Leslie Hughes) agreed on the following approach:

1. simple format that would be carried and used (i.e. USCG regs pamphlet);
2. standards should not be addressed as a NVIC;

[Consensus from the committee that NVIC 5-86, concerning Voluntary Standards for Commercial Fishing Vessels should be canceled. (Updated from 1997 meeting)]

3. include good marine practices that will increase chances of survivability not covered in regs and provide needed information where it is now lacking;
4. include references where good information already exists, such as Vessel Safety Manuals and the Federal Requirements for Commercial Fishing Industry Vessel pamphlet;
5. information/recommendations must not conflict with existing USCG regs, NVICs policies.

The subcommittee agreed on the following tentative timeline:

Fall Subcommittee meeting in Washington, DC January 15, 1997: Interim Report due to Coast Guard October 30, 1997: Final Report to Coast Guard

Subcommittee Working Session on Stability Standards for Uninspected Commercial Fishing Vessels: The subcommittee, (under the Chairmanship of Mr. Jimmie Martin) agreed on two classes of commercial fishing industry vessels, 50 feet & over in length and less than 50 feet in length. The following approach would be

taken:

New construction of vessels 50 feet and over in length would be to international standards;

New construction of vessels less than 50 feet in length would require three watertight bulkheads (that must be maintained) and weathertight integrity above the decks;

Alterations of vessels 50 feet and over in length would require that stability standards would not be diminished from what was found before;

Alterations of vessels less than 50 feet in length is still under review; need to address watertight envelope concerns.

The subcommittee agreed on the following tentative timeline:

Late Summer/Fall Subcommittee meeting in Washington, DC

January 15, 1997: Interim Report due to Coast Guard

October 30, 1997: Final Report to Coast Guard

Change 1, April 1997

Use of Inflatable PFD for Commercial Vessels: Greg Switlik brought up the fact that inflatable personal flotation devices are approved for recreational vessels only. This is to promote increased wear for this segment of the industry. To date, no manufacturer has gone through the approval process for commercial service. However, since commercial fishing vessels less than 40 feet in length can carry a Type II or Type III PFD, it might be appropriate to allow substitution of these PFDs with inflatable PFDs that are worn. Mr. Switlik proceeded to make a motion for the use of these inflatable PFDs on commercial fishing industry vessels (see Motion 2 for details).

Discussion on Fires in Refrigerated Holds on Fish Processing Vessels: Refrigerated holds on fish processing vessels have a history of large uncontrollable fires involving combustible polyurethane foam insulation. After a series of fires involving this foam, the National Transportation Safety Board (NTSB) recommended that the Coast Guard write regulations to control the use of rigid polyurethane foams (RPF), in cargo and refrigerated holds. The Coast Guard concurs with the intent of the NTSB recommendation, however, would rather promote a voluntary acceptance of guidance of either using non-combustible sheathing over combustible foam; or use of non-combustible insulation; or fixed fire suppression systems in holds that contains combustible insulation with no sheathing. Committee and audience discussion focused on using a foam that is fire retardant in the first place. Possible avenues would be to contact manufacturers to see what products or processes could be utilized to accomplish this. Also, from the fire examples given, many of the fires occurred while the vessel was docked or in drydock. The Coast Guard could publish regulations to address the engineering factors of using foam, however, PTP should be utilized and human factors addressed for the safe welding procedures, utilizing proper Captain of the Port authority as well as local fire department guidelines (using the Seattle Fire Department as a model). The USCG Navigation Vessel Inspection Circular (NVIC) 5-86 subcommittee will address this issue.

NTSB Casualty Study: Don Tyrrell, Chief of the Major Investigation Branch, Marine Division of the NTSB provided a brief on a NTSB study that could possibly regenerate interest in an inspection and licensing plan. This study has been placed in the form of a questionnaire that a Coast Guard Investigator will collect during the course of a casualty investigation on commercial fishing industry vessels. The major points of this study will ascertain if a licensed operator is onboard, what types of training the crew has received, what drills have been conducted and the general condition of the vessel. This study should be complete by November of 1996.

Audience Comments. The following persons provided comments on April 25th:

Al Dujenski, Acordia Pettit Morry, Seattle, WA: Made the following points: The NVIC dealing with heat tape is outdated; to improve insulation, a fire retardant product called "NOCHAR" can be added to foam; hot work standards are in place for many of the vessels that have had fires onboard. He commented that the committee

should consult with OSHA and focus their efforts more on education. Because some of the commercial fishing industry vessels such as tenders and processors fall under STCW, and other vessels fall under STCW-F, to avoid confusion, Mr. Dujenski recommended that all commercial fishing vessels should fall under STCW-F.

Note: NOCHAR is manufactured by Nochar Incorporated of Indianapolis.

CAPT Jim Ruhle, F/V DARANA R, Wanchese, NC: Expressed frustration at the Committee's low profile. He had never heard of the CFIVAC before last year and feels that there should be more than one meeting per year. He went on to express that he would like to see regional regulations, not nationwide standards.

Date/Location for next Meeting: Late February/March 1997 in Mobile, Alabama to be near the new construction found in Bayou La Batre, Alabama.

George Joe Easley	CDR A. D. Guerrero
Chairman	Executive Director

Encl: (1) Agenda
(2) List of Attendees

Summary of Action Items:

1. USCG will endeavor to expedite the new member appointments by October 1, 1996 to allow adequate preparation time prior to the next CFIVAC meeting.
2. CFIVAC members should seek new members for the committee. Any candidates should be referred to CDR Guerrero or LCDR Bobal for application instructions and forms before August 1, 1996.
3. G-MSO-2 will produce minutes for the Chairman's approval by June 1, 1996.
4. G-MSO-2 will review motions from 1995 meeting held in Wilmington North Carolina and make modifications if necessary by July 1, 1996.
5. G-MSO-2 will provide minutes of the last Merchant Marine Personnel Advisory Committee (MERPAC) meeting to CFIVAC members by June 1, 1996. Additionally, the MERPAC Executive Director will provide CFIVAC members updates with any STCW and STCW-F developments.
6. Mr. Richard Hiscock will provide to the Chairman a list of items he would like addressed by the USCG by May 15, 1996. The USCG will respond 45 days after receipt from the Chairman.
7. G-MSO-2 will procure a list of all fishing vessel exemptions granted by G-MOC-2 and CCGD9 (Great Lakes) by June 1, 1996.
8. As discussed at the meeting in Seattle, the licensing proposal in the Coast Guard Authorization Act (Section 903) did make it through the Department and OMB and was submitted to Congress in HR 1151. However, the Coast Guard and Maritime Transportation Subcommittee of the Transportation and Infrastructure Committee did not place this licensing proposal in HR 1361, the USCG Authorization Act that was passed by the House.
9. LCDR Bobal will mail copies of the Interim Rule with Request for Comments for Commercial Fishing Industry Vessel Regulations dealing with Terminations, Exemptions, Survival Craft for vessels less than 36' with 3 or fewer persons onboard, and Acceptance Criteria for Instructors and Course Curricula, to CFIVAC members as soon as it is published.

10. The NVIC 5-86/Prevention Through People Subcommittee will issue it's interim written report to the CDR Guerrero by January 15, 1997.

11. The Stability Subcommittee will issue it's interim written report to the LCDR Bobal by January 15, 1997.

Summary of Action Items: con't

12. Update members on Appeal Letter sent to RADM Card regarding major conversion issue.

13. Mr. Greg Switlik is to provide a report on a proposal for regional liferaft carriage requirements by no later than the 1997 annual CFIVAC meeting.

MOTIONS MADE DURING CFIVAC 96 MEETING

1. That an individual who fails to report an injury that occurs to himself/herself as required by 46 CFR 28 must first prove to the courts the alleged injury did in fact occur onboard the vessel being sued for that particular injury.

Motion made by Dennis Potter; seconded by Jim Herbert. No vote because it passed unanimously last year in Wilmington. Executive Director will review motions from 1995 and make modifications to the 1995 CFIVAC meeting minutes if necessary.

2. That the new recreational inflatable personal flotation device be allowed to satisfy Type II or Type III PFDs carriage requirements on vessels less than 40 feet in length when worn.

Motion made by Greg Switlik; seconded by Jim Herbert. Passed unanimously by voice vote.

3. That the CFIVAC Executive Director will interact with the Merchant Marine Personnel Advisory Committee, (MERPAC), to ensure CFIVAC input with STCW-F and commercial fishing licensing matters.

Motion by Jim Herbert. No vote taken, but verbal assurance from CDR Guerrero for close liaison with MERPAC.